

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

LISA VAZQUEZ-KAILEY,

Plaintiff,

v.

VIKRAM SHAH and MIKE KAILEY, d/b/a
KAILEY TRUCK LINE,

Defendants.

No. 4:15-CV-467 RLW

MEMORANDUM AND ORDER


Before the Court is Defendants' Motion for Trial Continuance (ECF No. 45). Defense counsel states that it has a conflict with the March 5, 2018 trial setting because he is set for trial in *Colton v. Price Industries One, Inc. St. Louis County Circuit Court*, Cause No. 15SL-CC-00337. The Eighth Circuit Court of Appeals has listed five factors that a district court should balance when considering whether to grant or deny a motion for continuance: (1) the nature of the case; (2) the diligence of the party requesting the continuance; (3) the opposing party's conduct; (4) the effect of the delay on both parties; (5) and the asserted need for the continuance. *United States v. Pruett*, 788 F.2d 1396, 1396 (8th Cir. 1986) (citing *United States v. Bernhardt*, 642 F.2d 251, 252 (8th Cir. 1981)); *391 Franklin Tpk. Ltd. Liab. Co. v. Tank*, No. 4:12-CV-162, 2014 WL 12605491, at *1 (D.N.D. Oct. 22, 2014). The district court has wide discretion to grant or deny a motion for a continuance. *Id.*

After carefully considering all of the above-outlined factors, the Court finds that a continuance is neither necessary nor appropriate under the circumstances. This case has been pending for close to three (3) years and needs to be resolved. Counsel can find another attorney

in his firm to try one of these cases or request a continuance of the trial date from the St. Louis County Circuit Court.

IT IS HEREBY ORDERED that Defendants' Motion for Trial Continuance (ECF No. 45) is **DENIED**.

Dated this 5th day of July, 2017.



RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE